

1723

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February 25, 2004

OFFICIAL

SEND TO: Examiner David Sorkin
COMPANY: USPTO
FAX #: 703-872-9306
PHONE #:

FROM: Kenneth R. DeRosa, Esq.
CLIENT #:
ATTY#:
RE: Serial no. 09/708,225

NUMBER OF PAGES INCLUDING COVER PAGE: 8

COMMENTS: Please see attached documents.

IF THERE IS A PROBLEM, CALL: 215-751-2476

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Schnader Harrison Segal & Lewis LLP
NEW YORK PENNSYLVANIA CALIFORNIA WASHINGTON, DC NEW JERSEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1723 22469
Examiner : David Sorkin
Serial No. : 09/708,225 Docket No.: 1511-00
Filed : November 8, 2000 Confirmation No.: 1140
Inventor : Keith Luker
Title : EXTRUDER MIXER Dated: February 25, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Facsimile Transmission

For

Response to second 2/19/04 Notice of Non-Compliant Amendment
Copy of Notice of Non-Compliant Amendment
Revised "In the Claims" section of the Amendment filed January 26, 2004 in response to
the 8/25/03 Office Action

I hereby certify that this correspondence is being facsimile transmitted to the U.S.
Patent and Trademark Office.

Name of Applicant, Assignee, Applicant's Attorney
or Registered Representative:

Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103-7286
UNITED STATES

By: Valerie J. L.Date: 2/25/04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Dated: February 25, 2003

RESPONSE TO THE NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R. 1.121)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the second Notice of Non-Compliant Amendment dated February 19, 2004.

No fee is believed to be due. Please charge any additional fees associated with this response and credit any overcharge to the Deposit Account No. 13-3405.

In light of the additional February 19, 2004 Notice of Non-Compliant Amendment document for this matter, please substitute the following Amendments to the Claims in the Response to the Notice of Non-Compliant Amendment filed February 24, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1/28/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Status identifier text for claims 21-33, canceled claims
Clms 1, 2, 4 etc are not in
ascending order.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/propnotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Maeyme Wogstark
Legal Instruments Examiner (LIE)

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